

POPLA (and private parking companies finance the BPA's activities in this respect) the agreement between London Councils and BPA ensures that the BPA has no involvement in either the procedures, appointments or decisions made by POPLA.

The statutory tribunals, the Parking and Traffic Appeals Service (PATAS) and the Traffic Penalty Tribunal (TPT) are indeed well understood and respected. Our procedures are based on theirs. However POPLA, having no statutory backing, does not replace access to the County Courts for legal enforcement in the way that PATAS and TPT have replaced motorists' previous access to the Magistrates' Courts for on-street parking enforcement, where an appeal is made. For this reason the POPLA processes are simpler. They do not include provision for personal appeals and do not come within a statutory framework for publication of decisions. POPLA is an addition to statutory procedures, not an alternative.

It is worth emphasising again at this stage that POPLA provides a service completely independent of both parties. POPLA is not run by trade organisations or by motorist lobby groups. I am neither the 'motorist's champion' nor the 'operator's advocate'. We have no targets to meet as regards the percentage of appeals that are either allowed or refused. Assessors determine each appeal by making findings of fact on the basis of the evidence produced by the parties, considering the BPA Code of Practice and applying the relevant law.

Under the scheme, once a parking charge notice is issued by being physically put on the vehicle or handed to the driver, the motorist has 28 days to pay the parking charge. If it is paid within 14 days, the motorist will have the opportunity to pay a reduced charge. If the motorist wishes to appeal the parking charge notice, he or she must make representations to the operator within 28 days of its issue. The parking charge notice itself must include details of how to make such representations.

If no payment is made to, or representations received by, the operator after 28 days, then paragraph 4(1) of Schedule 4 to the Protection of Freedoms Act 2012 provides that, in certain circumstances, the operator has a right to recover any parking charges from the keeper of the vehicle. This is generally referred to as 'keeper liability'. The keeper is defined in the Schedule as the person by whom the vehicle is kept at the time the vehicle is parked, but in the case of the registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper. The operator may apply to the Driver and Vehicle Licensing Agency (DVLA) for the registered keeper details and send the notice to the keeper within 14 days of the alleged liability arising, typically after 28 days from the date of the parking charge notice being issued and no payment or representations from the driver being received.

Where the ticket is issued following remote detection, for example by closed circuit television using automatic number plate recognition (ANPR), then the operator can obtain details of the registered keeper from the DVLA immediately and send a notice directly to the keeper, again within 14 days of the alleged event.

The effect of Schedule 4 is that where a notice is sent to the keeper, the keeper has the choice either of naming the person who was the driver at the material time; paying the parking charge; or making representations to the operator. If the keeper provides the name and current address of the driver, it will be then be for the operator to pursue the driver for the parking charge, if they so wish.

long been the subject of parking appeals. The BPA Code of Practice does not provide detailed prescription for signage but, in the section dealing with it, starts by clearly stating that operators must use signs to make it easy for the motorist to find out what the terms and conditions are. At 18.6 it also states that operators should try to use plain and intelligible language in all their signs and information. Assessors have found that it is not only a sign itself, and what is on it, that may be in issue but, very often, the position of the sign. Where this is raised by an appellant, then the operator should address it specifically, rather than merely stating their general practice.

A particular problem that Assessors have noted occurs where a car park may be shared. For example, part of it is controlled by a local authority and the other part by an operator. There may be no physical barrier between the two sections and the only distinction may be the colour of the bay markings. The pay and display machines may also be very similar in shape and design. The difference may not be obvious to the motorist and must therefore be made very clear by the signage.

It is not uncommon nowadays for a motorist returning to their vehicle and finding any sort of ticket has been issued, immediately to get out their mobile phone and take a number of images of the vehicle and location. Operators also produce with their evidence, photographs/digital images either taken by the operative at the time of issue of the parking charge notice or library shots of the location, or indeed both. The Assessor will often have to consider these when each party submits that their own images show, for example, that there was, or equally that there was not, a particular sign at a specific place. Timed and dated images, from whatever source, may obviously assist the Assessor in this regard.

Vouchers falling down, turning over or slipping partially out of sight when the vehicle door is closed, are a familiar story. It is as true off-street as it is on-street that the motorist should always check carefully before finally leaving their vehicle, in order to ensure that it is properly parked and that anything required to be displayed is clearly visible from outside.

It is perhaps too early to say whether the type of issues we are seeing at the moment will change over time and new areas of dispute appear as the service develops. Whatever issue or issues are raised by an appellant are, of course, those which the operator should address.

Unlike the position nearly twenty years ago, when the then Parking Appeals